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Group Art Unit: 1638

**In the Claims:**

Please cancel claims 1 and 9-11 without prejudice.

Please amend claims 2, 3, and 4 as follows:

- A4  
Sub D1
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2. (Amended) A recombinant expression cassette, comprising a member of claim 12 operably linked to a promoter.
3. (Amended) A host cell comprising a polynucleotide of claim 12.
4. (Amended) A transgenic plant comprising a recombinant expression cassette comprising a polynucleotide of claim 12.
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Please add new claims 12-15 as follows:

- A5  
Sub D3
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12. An isolated polynucleotide encoding a polypeptide with Rad50 activity comprising a polynucleotide selected from the group consisting of:
- (a) a polynucleotide having at least 80% sequence identity over the entire length of the reference sequence, as determined by the GAP program under default parameters, to a polynucleotide of SEQ ID NO: 1;
  - (b) a polynucleotide encoding a polypeptide of SEQ ID NO: 2;
  - (c) a polynucleotide of SEQ ID NO: 1;
  - (d) a polynucleotide which is fully complementary to a polynucleotide of (a), (b), or (c).
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- P-5*  
*and 1d*
- Sub D1* >
- Sub B1* >
13. A polynucleotide amplified from a *Zea mays* nucleic acid library using primers which selectively hybridize, under stringent hybridization conditions, to loci within a polynucleotide of SEQ ID NO: 1, wherein the polynucleotide encodes a polypeptide with Rad50 activity.
  14. A polynucleotide which selectively hybridizes, under stringent hybridization conditions and a wash in 0.1X SSC at 60°C, to a polynucleotide of SEQ ID NO: 1.
  15. A polynucleotide comprising at least 30 contiguous nucleotides from a polynucleotide of claim 12.